

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NOS. 2022-30-T and 1994-354-T - ORDER NO. 2022-216

APRIL 13, 2022

IN RE: Docket No. 2022-30-T – Application of East)	ORDER GRANTING
Coast Transportation Svcs LLC for a Class C)	REQUEST TO AMEND
(Charter) Certificate of Public Convenience)	PASSENGER
and Necessity for Operation of a Motor)	RESTRICTION AND
Vehicle Carrier)	DENYING REQUEST FOR
)	WAIVER OF
and)	PLACARDING
)	REQUIREMENTS
Docket No. 1994-354-T – Request for)	
Exemption to S.C. Code Ann. 58-23-80, Reg.)	
103-153.1, Regarding Vehicle ID Markings)	
(Placarding))	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the requests of East Coast Transportation Svcs LLC (the Applicant), seeking approval of an amendment to Class C (Charter) Certificate of Public Convenience and Necessity No. 9652 and requesting a waiver of the placarding requirements as set forth in Regulation 103-153. The Applicant is currently authorized to operate under Certificate No. 9652 pursuant to the authority granted by this Commission in Order No. 2022-62 issued January 27, 2022.

The Applicant seeks to amend Certificate No. 9652 by a change in the passenger restriction appearing on such Certificate.

Currently, the Applicant's authority to provide passenger service (Certificate No. 9652) reads as:

...to furnish passenger service...as follows:

Between Points and Places in South Carolina,
Restricted To: Seven (7) Passengers.

The Applicant requests to increase the passenger restriction from seven (7) to fifteen (15) passengers.

Additionally, the Applicant requests a waiver of Regulation 103-153 (2012), which requires marking or identification of motor vehicles (known as “placarding”) which are used for transportation of property or passenger under the jurisdiction of the Commission. The Applicant possesses an eleven (11) person passenger van which it does not want to be placarded because the Company is doing weddings and a shuttle service.

Based upon review of the matters asserted in the Applicant’s requests, the Commission is of the opinion that the request to change the passenger restriction appearing on Certificate No. 9652 from seven (7) to fifteen (15) passengers is reasonable and should be approved. While Regulation 103-101(2) (2012) states that this Commission may waive a regulation when strict compliance produces unusual difficulty and is not in the public interest, the Commission is of the opinion that the Applicant’s request for waiver of the placarding requirement should be denied at this time. Should the Applicant provide further explanation for the waiver (e.g., how the waiver of the placarding requirement is in the public interest, or that requirement produces unusual difficulty), the Applicant may make application in the future for Commission consideration of a placarding waiver. The Commission examines requested waivers of the placarding regulation on a case-by-case basis.

IT IS THEREFORE ORDERED:

1. The relief sought in the request for modification of Class C (Charter) Certificate of Public Convenience and Necessity No. 9652 of East Coast Transportation Svcs LLC, by changing the passenger restriction thereon from seven (7) passengers to fifteen (15) passengers shall be, and hereby is, approved.

2. The approval granted by this Order is for a change in the passenger restriction authorized by such Certificate but does not otherwise authorize any change in the operation of the regulated services.

3. The Applicant's request for waiver of the placarding requirement in Regulation 103-153 is denied at this time, but the Applicant may make application and provide further explanation in the future for Commission consideration of a placarding waiver.

4. The Applicant shall make all required amended filings with the Office of Regulatory Staff related to the amended authority granted by this Order within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission should an extension of time be approved.

5. Upon compliance with statutory and regulatory requirements, an amended Certificate shall be issued by the Office of Regulatory Staff to the Applicant as provided herein.

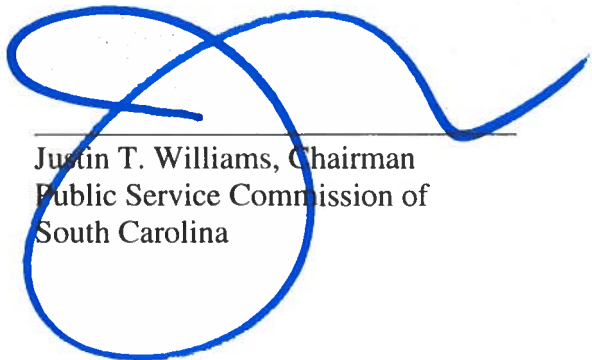
6. Prior to compliance with statutory and regulatory requirements and the receipt of such amended Certificate, the modified motor carrier services authorized by such Certificate shall not be provided under the amendment approved herein.

7. Failure of the Applicant to complete the above process within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission should an extension of time be approved prior to the expiration of the ninety (90) day time period, shall cause this Order to become null and void, thereby rescinding the authority granted to amend Applicant's Certificate. In this event, the request for modification shall be dismissed without prejudice, and no further action by the Commission is necessary.

8. The ORS is requested to furnish to the Commission, every two months, the names and docket numbers of those applicants whose orders become null and void under the terms of the previous paragraph.

9. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Justin T. Williams, Chairman
Public Service Commission of
South Carolina